

LIST OF AMENDMENTS TO THE CALIFORNIA RULES OF COURT

Adopted by the Judicial Council of California
January 1, 2001, and July 1, 2001

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Rule 2211. Trial court labor relations disputes–writ petitions (Gov. Code, § 71639.1)

(a) [Applicability] This rule applies to petitions filed under subdivisions (c) and (d) of Government Code section 71639.1.

(b) [Assignment of Court of Appeal justice to hear the petition]

(1) The petition must state the following on the first page, below the case number, in the statement of the character of the proceeding (see rule 201(f)(6)): “Writ petition filed under Government Code section 71639.1–Assignment of Court of Appeal justice required.”

(2) When the petition is filed, the clerk must immediately request of the Judicial Assignments Unit of the Administrative Office of the Courts the assignment of a hearing judge from the panel established under subdivision (e).

(3) The judge assigned to hear the petition in the superior court must be a justice from a Court of Appeal for a district other than the district for that superior court.

(c) [Superior court hearing]

(1) The superior court must hear and decide the petition on an expedited basis and must give the petition priority over other matters to the extent permitted by law and the rules of court.

(2) The petition must be heard by a judge assigned by the Chief Justice from the panel of hearing judges established under subdivision (e).

(d) [Appeal] An appeal of the superior court decision must be heard and decided on an expedited basis in the Court of Appeal for the district in which the petition was heard and must be given priority over other matters to the extent permitted by law and the rules of court.

(e) [Panel of hearing judges] The panel of judges who may hear the petitions in the superior court must consist of Court of Appeal justices selected by the Chief Justice as follows:

- (1) The panel must include at least one justice from each district of the Court of Appeal.
- (2) Each justice assigned to hear a petition under (c)(2) must have received training on hearing the petitions as specified by the Chief Justice.

Rule 2211 adopted effective January 1, 2001.

Rule 6.14. Litigation Management Committee

(a) [Litigation oversight] The Litigation Management Committee must oversee litigation and claims against trial court judges, the Judicial Council, the Administrative Office of the Courts, the trial courts, and the employees of those bodies that seek recovery of \$50,000 or more or raise important policy issues by:

- (1) Reviewing and approving any proposed settlement, stipulated judgment, or offer of judgment; and
- (2) Consulting with the Administrative Director or General Counsel, upon request, regarding important strategy issues.

(b) [Recommendations] The committee must make recommendations to the Judicial Council for policies governing the management of litigation involving the courts.

Rule 6.14 adopted effective January 1, 2001

Rule 6.603. Authority and duties of presiding judge

(a) – (b) * * *

(c) [Duties]

(1) * * *

(2) (Judicial schedules)

(A) – (D) * * *

(E) The presiding judge shall allow the following number of days of vacation for each judge annually:

- (i) 24 days for judges with less than 7 years of service as a California judge;
- (ii) 27 days for judges with at least 7 but less than 14 years of service as a California judge; and
- (iii) 30 days for judges with 14 or more years of service as a California judge.

(Subd (c) amended effective January 1, 2001)

Rule 6.603 amended effective January 1, 2001; adopted effective January 1, 2001.

Rule 6.707. Trial court financial policies and procedures

(a) [AOC adoption of financial policies and procedures] The Administrative Office of the Courts must prepare and adopt a financial policies and procedures manual for the trial courts (the “*Trial Court Financial Policies and Procedures Manual*”), consistent with the rules of court and policies adopted by the Judicial Council. The manual must include, but is not limited to, accounting standards for trial courts and policies and procedures for procurement and contracting by trial courts. These policies and procedures must not modify trial courts’ existing authority to procure, contract for, or use goods or services or the requirement that a court have authorized funding available in order to procure or contract for any good or service.

(b) [Comment period for financial policies and procedures] Before issuing or amending the *Trial Court Financial Policies and Procedures Manual*, the Administrative Office of the Courts must make it available for comment from the trial courts and from the Department of Finance and the State Controller’s Office for 30 days.

(c) [Date of adherence to financial policies and procedures] Trial courts must adhere to the requirements contained in the *Trial Court Financial Policies and Procedures Manual*, except as otherwise provided in the manual, effective July 1, 2001, or 90 days after the manual is first adopted, whichever is later. Trial courts must not be required to adhere

to any amendment to the manual sooner than 60 days after the amendment is adopted.

Rule 6.707 adopted effective January 1, 2001.

Rule 6.709. Disposal of surplus court personal property

(a) [Disposal of surplus property] Except as provided in subdivision (b), a trial court may:

- (1) Sell, at fair market value, any personal property of the court that is no longer needed for court use;
- (2) Trade or exchange any surplus personal property of the court, according to such terms and conditions as are agreed upon, for personal property of another court, the state, a county, a city, a federal agency, a community redevelopment agency, a housing authority, a community development commission, a surplus property authority, a school district, or any irrigation, flood control, county board of education, or other special district, if the property to be acquired by the court is needed for court use;
- (3) Donate, sell at less than fair market value, or otherwise transfer to another court, the state, a county, a city, a federal agency, a community redevelopment agency, a housing authority, a community development commission, a surplus property authority, a school district, or any irrigation, flood control, county board of education, or other special district, according to such terms and conditions as are agreed upon, any personal property of the court that is no longer needed for court use; and
- (4) Dispose of any personal property of the court that is no longer needed for court use, and that has negligible or no economic value, in any manner the court deems appropriate.

(b) [Exception for disposal of technology equipment acquired on or after July 1, 2000] A trial court that wishes to dispose of surplus technology equipment to which the court acquired title on or after July 1, 2000 must provide a written description of such technology equipment to the Administrative Director of the Courts. If, within 60 days of receipt of the description, the Administrative Director determines that another court of record of the State of California is in need of the surplus technology equipment, the court holding title to the

equipment must donate it to the court determined to be in need. If the Administrative Director determines that no other court needs the equipment or makes no determination within 60 days of receiving the written description of it, the court holding title to the equipment may dispose of it as provided in subdivisions (a), (c), and (d). The Administrative Director must provide to the courts a definition of the term “technology equipment” as used in this rule and must provide 30 days’ notice of any amendment to the definition.

(c) [Notice of disposal] Unless the property to be transferred under this rule is valued at \$500 or less or the entity to which the property is to be transferred is another court of record of the State of California, the transferring trial court must, at least one week prior to the transfer, place a notice of its intended action:

(1) In three public places; or

(2) On the court’s Internet Web site; or

(3) In a newspaper of general circulation published in the county.

(d) [Proceeds of disposal] Any proceeds of a sale or other transfer under this rule must be deposited in the trial court operations fund.

Rule 6.709 adopted effective January 1, 2001

TITLE SIX. Judicial Administration Rules

DIVISION IV. Trial Court Administration

CHAPTER 5. Trial Court Management of Claims and Litigation

Rule 6.800. Litigation Management

(a) [Intent] The intent of this rule is to (1) ensure that the trial courts are provided with timely, quality legal assistance, and (2) promote the cost-effective, prompt, and fair resolution of actions, proceedings, and claims that affect the trial courts and involve trial court judges, subordinate judicial officers, court executive officers, or employees.

(b) [Duties of General Counsel] To carry out the duty of the Judicial Council to provide for the representation, defense, and indemnification of judges, subordinate judicial officers, court executive officers, and

trial court employees pursuant to Part 1 (commencing with section 810) to Part 7 (commencing with section 995), inclusive, of the Government Code, the General Counsel of the Administrative Office of the Courts, under the direction of the Administrative Director of the Courts, must:

- (1) Develop, manage, and administer a litigation management program for investigating and resolving all claims and lawsuits affecting the trial courts;
- (2) Provide legal assistance to the trial court, and to any judge, subordinate judicial officer, court executive officer, and trial court employee who is named as a defendant or responsible party, subject to the defense and indemnification provisions of Part 1 (commencing with section 810) to Part 7 (commencing with section 995), inclusive, of the Government Code, upon receipt of notice of a claim or lawsuit affecting the trial court or of a dispute that is likely to result in a claim or lawsuit;
- (3) Select and direct any counsel retained to represent any trial court, judge, subordinate judicial officer, court executive officer, and trial court employee being provided legal representation pursuant to paragraph (b)(2), after consultation with the trial court and any such individual defendant;
- (4) Make settlement decisions in all claims and lawsuits other than those identified in paragraph (b)(5), after consultation with the affected trial court, and any judge, subordinate judicial officer, court executive officer, and trial court employee being provided legal representation pursuant to paragraph (b)(2);
- (5) Make recommendations to the Judicial Council Litigation Management Committee regarding proposed settlements of claims or lawsuits requiring payments of \$50,000 or more or raising important policy issues;
- (6) Develop and implement risk avoidance programs for the trial courts;
- (7) Provide an annual report to the Judicial Council Litigation Management Committee concerning the litigation management program; and

- (8) Provide an annual report to each trial court concerning claims and lawsuits filed against the trial court.

(c) [Duties of trial courts] The trial courts must:

- (1) Notify the Administrative Office of the Courts, Office of the General Counsel, promptly upon receipt of notice of a dispute that is likely to result in a claim or lawsuit, or of a claim or lawsuit filed, against the court, a judge or subordinate judicial officer, a court executive officer or a court employee, and forward the claim and lawsuit to the Office of the General Counsel for handling; and
- (2) Consult with the Administrative Office of the Courts, Office of the General Counsel, regarding strategic and settlement decisions in claims and lawsuits.

Rule 6.800 adopted effective January 1, 2001

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Rule 222. Mandatory settlement conferences

(a)–(d) * * *

(e) ~~[Sanctions] The court may impose sanctions as provided by law for failure to comply with the provisions of this rule.~~

(Subd (e) repealed effective July 1, 2001; adopted effective January 1, 1995.)

Rule 222 amended effective July 1, 2001; adopted effective January 1, 1985; previously amended effective January 1, 1995.

Rule 225. Duty to notify court of settlement or stay

(a) **[Notice of settlement]** If a case is settled or otherwise disposed of, plaintiff shall immediately give the court and any arbitrator written notice. The plaintiff shall also immediately give oral notice if a hearing, conference, or trial is imminent.

(Subd (a) amended effective July 1, 2001; adopted effective January 1, 1985; previously amended effective January 1, 1989.)

(b)–(d) * * *

(e) ~~[Sanctions] Failure to comply with this rule may be deemed an unlawful interference with the proceedings of the court.~~

(Subd (e) repealed effective July 1, 2001; adopted and amended effective January 1, 1989.)

Rule 225 amended effective July 1, 2001; adopted effective January 1, 1985; previously amended January 1, 1989, and January 1, 1992.

Rule 227. Sanctions in respect to rules, ~~local rules, and court orders~~

(a) **[Applicability]** This sanctions rule applies to the rules in the California Rules of Court, Title Two (Pretrial and Trial Rules).

(Subd (a) adopted effective July 1, 2001.)

(b) [Sanctions] ~~The failure of any person to comply with these rules, local rules, or order of the court, unless good cause is shown, or failure to participate in good faith in any conference those rules or an order of the court require, is an unlawful interference with the proceedings of the court. The court may order the person at fault to pay the opposing party's reasonable expenses and counsel fees and to reimburse or make payment to the county, may order an appropriate change in the calendar status of the action, and for failure to comply with local rules may impose sanctions authorized under section 575.2 of the Code of Civil Procedure and under section 68608(b) of the Government Code, in addition to any other sanction permitted by law. In addition to any other sanctions permitted by law, the court may order a person, after written notice and an opportunity to be heard, to pay reasonable monetary sanctions to the court or an aggrieved person, or both, for failure to comply with the rules in Title Two, unless good cause is shown. For the purposes of this rule, "person" includes a party, a party's attorney, or a witness. If a failure to comply with a rule in Title Two is the responsibility of counsel and not of the party, any penalty shall be imposed on counsel and shall not adversely affect the party's cause of action or defense thereto.~~

(Subd (b) relettered and amended effective July 1, 2001; adopted as untitled subdivision effective January 1, 1985; previously amended effective January 1, 1994.)

(c) [Notice and procedure] Sanctions shall not be imposed under this rule except upon notice in a party's motion papers or upon the court's own motion after the court has provided notice and an opportunity to be heard. A party's motion for sanctions shall (1) set forth the applicable rule in Title Two that has been violated, (2) describe the specific conduct that is alleged to have violated the rule, and (3) identify the attorney, law firm, party, or witness against whom sanctions are sought. The court on its own motion may issue an order to show cause that shall (1) set forth the applicable rule in Title Two that has been violated, (2) describe the specific conduct that appears to have violated the rule, and (3) direct the attorney, law firm, party, or witness to show cause why sanctions should not be imposed against them for violation of the rule.

(Subd (c) adopted effective July 1, 2001.)

(d) [Award of expenses] In addition to the sanctions awardable under (b), the court may order the person who has violated a rule in Title Two to pay to the party aggrieved by the violation that party's reasonable

expenses, including reasonable attorney fees and costs, incurred in connection with the sanctions motion or the order to show cause.

(Subd (d) adopted effective July 1, 2001.)

(e) [Order] An order imposing sanctions shall be in writing and shall recite in detail the conduct or circumstances justifying the order.

(Subd (e) adopted effective July 1, 2001.)

Rule 227 amended effective July 1, 2001; adopted effective January 1, 1985; previously amended effective January 1, 1994.

Rule 335. Format of discovery motions

(a) ~~[Motion to compel]~~ ~~A motion to compel further responses to interrogatories, inspection demands, or admission requests and a motion to compel answers to questions propounded at a deposition or to compel production of documents or tangible things at a deposition shall be accompanied by a separate document which sets forth each interrogatory, item or category of items, request, question, or document or tangible thing to which further response, answer, or production is requested, the response given, and the factual and legal reasons for compelling it. Material shall not be incorporated by reference, except that in the separate document the moving party may incorporate identical responses and factual and legal reasons previously stated in that document. No other statements or summaries shall be required as part of this motion.~~ **[Separate statement required]** Any motion involving the content of a discovery request or the responses to such a request shall be accompanied by a separate statement. The motions that require a separate statement include:

- (1) a motion to compel further responses to requests for admission;
- (2) a motion to compel further responses to interrogatories;
- (3) a motion to compel further responses to a demand for inspection of documents or tangible things;
- (4) a motion to compel answers at a deposition;
- (5) a motion to compel or to quash the production of documents or tangible things at a deposition;

(6) a motion for medical examination over objection; and

(7) a motion for issue or evidentiary sanctions.

(Subd (a) amended effective July 1, 2001; previously amended effective July 1, 1987, January 1, 1992, and January 1, 1997.)

(b) [Separate statement not required] A separate statement is not required when no response has been provided to the request for discovery.

(Subd (b) adopted effective July 1, 2001.)

(c) [Contents of separate statement] A separate statement is a separate document filed and served with the discovery motion that sets forth all the information necessary to understand each discovery request and all the responses to it that are at issue. The separate statement shall be full and complete so that no person is required to review any other document in order to determine the full request and the full response. Material shall not be incorporated into the separate statement by reference. The separate statement shall include—for each discovery request (e.g., each interrogatory, request for admission, deposition question, or inspection demand) to which a further response, answer, or production is requested—the following:

- (1) the text of the request, interrogatory, question, or inspection demand;
- (2) the text of each response, answer, or objection, and any further responses or answers;
- (3) a statement of the factual and legal reasons for compelling further responses, answers, or production as to each matter in dispute;
- (4) if necessary, the text of all definitions, instructions, and other matters required to understand each discovery request and the responses to it;
- (5) if the response to a particular discovery request is dependent on the response given to another discovery request, or if the reasons a further response to a particular discovery request is deemed necessary are based on the response to some other discovery

request, the other request and the response to it must be set forth;
and

- (6) if the pleadings, other documents in the file, or other items of discovery are relevant to the motion, the party relying on them shall summarize each relevant document.

(Subd (c) repealed and adopted effective July 1, 2001.)

~~(b)~~**(d) [Identification of interrogatories, demands, or requests]** A motion concerning interrogatories, inspection demands, or admission requests shall identify the interrogatories, demands, or requests by set and number.

(Subd (d) relettered effective July 1, 2001; adopted as subd (b) effective January 1, 1984; previously amended effective July 1, 1987.)

~~(c) [Reference to other responses]~~ If the response to a particular interrogatory or other discovery request is dependent on the response given to another interrogatory, or if the reasons a further response to a particular interrogatory is deemed necessary are based on the response to some other interrogatory, the other interrogatory and its response must be set forth.

(Subd (c) repealed effective July 1, 2001; adopted effective January 1, 1984; previously amended effective July 1, 1987.)

~~(d) [Reference to other documents]~~ If the pleadings, other documents in the file, or other items of discovery are relevant to the motion, the party relying on them shall summarize each relevant document.

(Subd (d) repealed effective July 1, 2001; adopted effective January 1, 1984; previously amended effective July 1, 1987.)

Rule 335 amended effective July 1, 2001; adopted effective January 1, 1984; previously amended effective July 1, 1987, January 1, 1992 and January 1, 1997.

Rule 341. Sanctions for failure to provide discovery

(a) [Sanctions despite no opposition] The court may award sanctions under the Discovery Act in favor of a party who files a motion to compel discovery, even though no opposition to the motion was filed, or opposition to the motion was withdrawn, or the requested discovery was provided to the moving party after the motion was filed.

(b) [Failure to oppose not an admission] The failure to file a written opposition or to appear at a hearing or the voluntary provision of discovery shall not be deemed an admission that the motion was proper or that sanctions should be awarded.

Rule 341 adopted effective July 1, 2001.